

An
Coimisiún
Pleanála

Commission Order
ACP-323586-25

Planning and Development Act, 2000 as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: S5/25/106

WHEREAS a question has arisen as to whether the provision of temporary accommodation (small log cabin) for the use of the applicant during the period in which exempted works are being carried out at Kilmore, Lisronagh, County Tipperary is or is not development or is or is not exempted development.

AND WHEREAS Gerard Purcell Junior requested a declaration on the said question from Tipperary County Council and the said Council issued a declaration on the 21st day of August 2025 stating that the said matter is development and is not exempted development:

AND WHEREAS Gerard Purcell Junior referred the declaration for review to An Coimisiún Pleanála on the 5th day of September 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1), 4(1)(j), 4(4) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Class 17 of Part 1 Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) the planning and development history of the site,
- (e) the submission of the planning authority, and
- (f) the report and recommendation of the Planning Inspector:

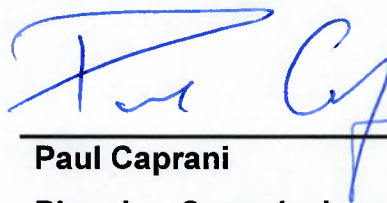
AND WHEREAS An Coimisiún Pleanála has concluded that -

- (a) The referral concerns the construction of temporary accommodation (small log cabin), therefore comes within the scope of the definition of development as set out in Section 3 of the Planning and Development Act 2000, as amended.
- (b) The structure referred to in the question does not come within the scope of Class 17 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, as the Commission is not satisfied that it relates to the carrying out of any development that is being or is about to be carried out pursuant to any permission, consent, approval or confirmation, or as exempted development, or how the works referred to are temporary in nature, having regard to its long

presence on the site, and the works associated with the structure, including the provision of a proprietary wastewater treatment system, a gravel driveway and associated landscaping surrounding the log cabin, suggests the provision of a more permanent structure beyond that which would be required, and beyond that which would be normally associated with a temporary structure to be used during a renovation/ extension of a domestic dwelling and the onus of proving that such works are exempted development lies on the person seeking to come within any exemption.

- (c) There are no other exemptions in the Planning and Development Act, 2000, as amended, or in the Planning and Development Regulations, 2001, as amended, whereby the provision of temporary accommodation (small log cabin) would constitute exempted development.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that that the provision of temporary accommodation (small log cabin) for the use of the applicant during the period in which exempted works are being carried out is development and is not exempted development.



Paul Caprani

Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.



Dated this 17th day of June 2025.